

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7677 of 2022

Nanda Kishore Nayak

....

Petitioner

Mr. D.P.S. Mallick, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. Pradhan, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
22.09.2022

Order No.

02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is an accused in T.R. Case No.78 of 2021 pending in the file of learned A.D.J. Nayagarh, arising out of Banigocha P.S. Case No.24 of 2021, offence under Sections 376(2)(n)/366-A/342/506 of IPC read with Section 6 of POCSO Act.
4. Being aggrieved by the rejection of his application for bail U/s.439 Cr.P.C. by the learned A.D.J.-cum-Spl. Judge under POCSO Act, Nayagarh Camp at Daspalla, by order dated 15.12.2022 in the aforementioned case, the present BLAPL has been filed.
5. Perused the order of rejection and the report submitted by the learned Court in seisin over the matter indicating that there is no progress in the trial.

6. Learned counsel for the petitioner places the 164 Cr.P.C. statement and medical examination report of the victim and placing reliance on the same submits that it is a case of false implication.

7. Since the petitioner is in custody since 18.04.2021 and there is no progress in trial as noticed and considering the 164 Cr.P.C. statement of the victim, this Court directs the petitioner to be released on bail on such terms to be fixed by the learned Court in seisin over the matter.

8. Additionally it is directed that the petitioner shall appear before the jurisdictional police station once every week till the conclusion of trial.

9. Accordingly, the BLAPL stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

(V. NARASINGH)
Judge

Santoshi

